

REGULAR MEETING

January 13, 2003

The Regular Meeting of the Annapolis City Council was held on January 10, 2003 in the Council Chamber. Mayor Moyer called the meeting to order at 7:35 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen, Alderwomen Hoyle, Carter

Staff Present: City Attorney Goetzke, Planning & Zoning Director Arason, Harbor Master Dahlgren

C Mayor Moyer presented a Glittering Gems of Annapolis Award to Loni Moyer and William Moyer for Pip Moyer.

C Mayor Moyer presented a Citation of Merit to Kirby McKinney, Lucinda Merry-Brown, and the Spalding High School Theatre Company for their production at the Stanton Center of "The Wizard of Oz".

C Alderman Tolliver moved to approve the Journal of Proceedings for December 9, 2002, December 23, 2002, Special, December 23, 2002, Closed, December 23, 2002. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

C Spoke in favor of O-26-02

Jon Hodgson, Esq., 1610 West Street, Annapolis, MD 21401, representing Farmer's National Bank

C Spoke in opposition to O-26-02

David Price, 812 Severn Avenue, Annapolis, MD 21403
Bob Slawson, 510 6th Street, Annapolis, MD 21403
Joyce Gomoljak, 621 Bay Ridge Avenue, Annapolis, MD 21403

C Spoke regarding O-26-02

Monique Lighthart, 1227 Madison Street, Annapolis, MD

C Jeff Fox, 309 Tucker Street, Annapolis, MD 21401 spoke in favor of O-31-02.

C Tony Evans, 3 Constitution Square, Annapolis, MD 21401, spoke regarding the time taken to bring forward the recommendations of the Charter Revision Commission.

LEGISLATIVE ACTION

C The order of the agenda was amended to allow for legislative action on the Bembe Beach Annexation.

Bembe Beach Annexation

R-9-02 For the purpose of annexing into the boundaries of the City of Annapolis certain property located on Bay Front Drive, lying along the waterfront between Bembe Beach property earlier annexed to the north and the BayWoods complex to the south and west; and Chesapeake Bay/mouth of Severn River east, contiguous to the existing boundary of the City of Annapolis.

Alderman Fox moved to adopt R-9-02 on second reading. Seconded.

Planning and Zoning Director Arason was present and answered questions from Council.

Alderman Tolliver moved to amend R-9-12 as follows:

No. 1

On Page 1, line 41

strike "_____";

add "December 23",

No. 2

On Page 1, line 44

strike "_____";

add,"November 7, 2002"

No. 3

On Page 2, line 2

strike "_____";

add "October 30, 2002",

No. 4

On Page 5, line 30

- add*"
1. Existing storm water management facilities, street lights, roads and curbs are to remain privately owned and maintained.
 2. Refuse collection is the responsibility of the City, subject to a Hold Harmless Agreement executed by the City and the property owners who are applicants to the annexation petition.
 3. The property owners shall be responsible for all costs associated with the extension of water and sewer services to the site, including tap fees, connection charges, capital facility capital assessment charges and inspection fees."

No. 5

On Page 5, line 31

strike "1.";

add "4.".

Seconded. CARRIED on voice vote.

C The main motion amended CARRIED on voice vote.

O-13-02 For the purpose of establishing a zoning classification of R2, Single-Family Residence District for the property located on Bay Front Drive, lying along the waterfront between Bembe Beach property earlier annexed to the north and the BayWoods complex to the south and

west; and Chesapeake Bay/mouth of Severn River east, known as Bembe Beach, contiguous to the existing boundary of the City of Annapolis; and all matters relating to said zoning map amendment.

Alderman Hammond moved to adopt O-13-02 on second reading. Seconded.

The Planning Commission reported favorably on O-13-02.

Alderman Fox moved to amend O-13 -03 as follows:

No. 1

On Page 1, line 33

add "December 23, 2002",

No. 2

On Page 1, line 37

add "December 23, 2002".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Tolliver moved to adopt O-13-03 amended on third reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

CHARTER AMENDMENTS

CA-1-03 For the purpose of amending the Charter of the City of Annapolis to clarify that the third member of the Board of Supervisors of Elections may have any political party affiliation.

Alderman Hammond moved to adopt CA-1-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

CA-2-03 For the purpose of amending the Charter of the City of Annapolis to restrict aldermen communications on City service delivery issues, to the mayor and city administrator.

Alderman Hammond moved to adopt CA-2-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

CA-3-03 For the purpose of amending the Charter of the City of Annapolis to remove inconsistent language describing the city administrator and to revise certain employment conditions.

Alderman Hammond moved to adopt CA-3-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

- CA-4-03** **For the purpose of amending the Charter of the City of Annapolis to provide that the city administrator, instead of the mayor, shall present credentials of potential department directors to the city council; to provide that the city administrator, instead of the mayor, will have the authority to remove department directors; and to provide that, the city administrator, instead of the mayor, shall determine the amount of compensation for department directors.**

Alderman Hammond moved to adopt CA-4-03 on first reading. Seconded.
CARRIED on voice vote.

Referred to Rules and City Government Committee

- CA-5-03** **For the purpose of amending the Charter of the City of Annapolis to require that proposed revisions to the city charter be submitted by the periodic charter revision commissions within six months instead of within a one-year period.**

Alderman Hammond moved to adopt CA-5-03 on first reading. Seconded.
CARRIED on voice vote.

Referred to Rules and City Government Committee

- CA-6-03** **For the purpose of amending the Charter of the City of Annapolis to grant authority to the mayor and aldermen to request public hearings on ordinances and resolutions and to require subsequent public hearings when these same ordinances and resolutions have been substantially revised.**

Alderman Hammond moved to adopt CA-6-03 on first reading. Seconded.
CARRIED on voice vote.

Referred to Rules and City Government Committee

ORDINANCES

- O-19-02** **For the purpose of repealing in its entirety and adding new Annapolis City Code Chapter 14.12, Trees, so as to define the duties of the environmental commission, the department of public works and the director of public works with regard to trees in the City of Annapolis; to provide regulations concerning the removal and maintenance of trees in public areas and in the conservation areas; to provide for the creation and enforcement of a master street tree plan and a tree planting program; to provide for the abatement of certain nuisances; and matters generally relating to said chapter.**

Without objection, O-19-02 was postponed.

- O-26-02** **For the purpose of adding banks with a maximum floor area of 3200 square feet and a drive-thru window to the B1 Convenience Shopping District, as a special exception; specifying that banks with a maximum floor area of 3200 square feet and a drive-thru window are not allowed in the B1A Expanded Convenience Shopping District; and matters generally relating to said special exceptions.**

Alderman Cohen moved to adopt O-26-02 on second reading. Seconded.

The Rules Committee reported favorably on O-26-02.

The Planning Commission reported favorably with amendments on O-26-02.

Planning and Zoning Director Arason was present and answered questions from Council.

Alderman Cohen moved to amend O-26-02 as follows:

No. 1

On Page 3, line 7

strike “J. Banks with a maximum floor area of 3200 square feet and a drive-thru window.”;

add “J. Banks with drive-thru facilities.”,

No. 2

On Page 3, line 13

strike “with the exception of banks with a maximum floor area of 3200 square feet and a drive-thru window as allowed under section 21.30.030(J).”;

add “except as provided in Section 21.30.030(J).”.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Cohen moved to adopt O-26-02 amended on third reading. Seconded. CARRIED on voice vote.

O-31-02 For the purpose of repealing Annapolis City Code, Chapter 2.28, *Harbor Master* and adding new Annapolis City Code, Section 2.12.060, *Harbor Master*, to relocate provisions relating to the harbor master within Chapter 2.12 “Mayor” and to clarify the authority of the harbor master; amending Annapolis City Code, Title 15, *Harbors and Waterfront Areas*, to specify the authority of the harbor master, to clarify activities allowed in City Waters, to increase fines for violations of Title 15, and to clarify enforcement procedures; and matters generally relating to said chapter and title.

Alderman Carter moved to adopt O-31-02 on second reading. Seconded.

The Rules Committee reported favorably on O-31-02.

The Public Safety Committee reported favorably with amendments on O-31-02.

Harbor Master Dahlgren was present and answered questions from the Council.

C Alderman Fox moved to amend O-31-02 as follows:

No. 2

On Page 15, line 9

strike “official”;

add “employee, to include any police, fire and/or harbormaster personnel”,

No. 3

On Page 15, line 10

strike “official” ;

add “employee”,

No. 4

On Page 26, lines 26 and 27

strike “seven (7)”;

add “ten (10)”,

No. 5

On Page 27, line 40

strike “circuit court”;

add “Circuit Court”.

Seconded. CARRIED on voice vote.

C Alderman Tolliver moved to amend O-31-02 as follows:

NOTE: Amendments # 1 through 7 are corrections and clarifications recommended by the Harbor Master.

Amend. #1

On page 6, after line 28, insert “F. ‘CITY FACILITIES’ MEANS FACILITIES OWNED AND OPERATED BY THE CITY AND OPEN TO THE PUBLIC FOR PUBLIC USE. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, PRIVATELY OWNED FACILITIES WITHIN CITY WATERS ARE EXCLUDED FROM THIS DEFINITION.” and revise the lettering of subsequent subsections as necessary.

Amend. #2

On page 17, in line 22, after “docking” insert “, ANCHORING”.

Amend. #3

On page 18, in line 10, after “power” insert “OR SAIL”.

Amend. #4

On page 20, in line 40, strike “misdemeanor” and substitute “MUNICIPAL INFRACTION”.

Amend. #5

On page 21, in line 23, strike “or dock”.

Amend. #6

On page 36, in line 28, after "application" insert "AND SHALL ALSO POST NOTICES PRIOR TO THE HEARING AS REQUIRED IN SUBSECTION 15.16.040 (C) OF THIS TITLE".

Amend. #7

On page 43, at the end of line 34, after "days" insert "DURING THE PERIOD OF MAY 1 TO OCTOBER 31".

NOTE: Amendment # 8 requires the Board of Appeals, not the City Council, to be the first level of appeal of a decision of the Port Wardens.

Amend. #8

On page 27, in line 8, strike "city council" and substitute "BOARD OF APPEALS" and in lines 20, 22, 26, 30, 31, 33, 37, and 39 strike "city council" and substitute "BOARD OF APPEALS".

NOTE: Amendment # 9 clarifies the boundaries of City Dock.

Amend. #9

On page 6, in line 27, strike "the North side of Susan Campbell Park".

NOTE: Amendment # 10 gives the Harbor Master authority to cite vessels stored at private piers without permission on complaint of the pier owner.

Amend. #10

On page 23, in line 17, after "shores" insert "AND ON PRIVATE DOCKS WITHOUT PERMISSION OF THE OWNER" and on page 23, after line 42, insert "G. NO PERSON SHALL STORE A BOAT AT A PRIVATE DOCK IN CITY WATERS WITHOUT PERMISSION OF THE OWNER OF THE DOCK. UPON COMPLAINT OF THE OWNER OF THE DOCK OF A VIOLATION OF THIS PROVISION, THE HARBOR MASTER MAY ISSUE A CITATION AND TAKE OTHER MEASURES AS PROVIDED IN SUBSECTION H OF THIS SECTION."

[Note: subsequent proposed amendments will alter lettering. The reference to subsection H in this amendment should be corrected as necessary to conform to the lettering finally adopted.]

NOTE: Amendments # 11 through 13 limit the number, length of stay, and placement of boats stored on city street ends.

Amend. #11

On page 23, after line 26, insert "C. THE NUMBER OF BOATS WHICH MAY BE STORED AT ANY PUBLIC STREET ENDING SHALL NOT EXCEED ONE BOAT FOR EVERY TEN LINEAR FEET OF WIDTH OF THE APPLICABLE STREET ENDING. EACH PUBLIC STREET ENDING SHALL BE POSTED TO INDICATE THE MAXIMUM NUMBER OF BOATS WHICH MAY BE STORED AT THAT LOCATION." and revise the lettering of subsequent subsections accordingly.

Amend. #12

On page 23, after line 26, insert "D. NO VESSEL MAY BE STORED AT ANY STREET ENDING HAVING A BOAT LAUNCH IN ANY MANNER WHICH MAY OBSTRUCT ACCESS TO AND USE OF THE BOAT RAMP. ANY STREET ENDING HAVING A BOAT LAUNCH SHALL BE POSTED TO INDICATE THIS RESTRICTION." and revise the lettering of subsequent subsections accordingly.

Amend. #13

On page 23, after line 26, insert "E. NO VESSEL MAY BE STORED OVERNIGHT AT ANY PUBLIC STREET ENDING FOR MORE THAN TWO CONSECUTIVE NIGHTS, AND NO VESSEL MAY BE STORED AT ANY STREET ENDING FOR MORE THAN TEN NIGHTS IN TOTAL PER YEAR." and revise the lettering of subsequent subsections accordingly.

NOTE: Amendment #14 further limits commercial activity at City Dock.

Amend. #14

On page 17, in line 37, strike "and brokerage signs" and in line 38, after "advertising the" insert "PRIVATE".

NOTE: Amendment # 15 clarifies the reference to maps entitled "Annapolis Harbor Lines".

Amend. #15

On page 5, in line 30, and on page 28 in line 36, after "'Annapolis Harbor Lines'", strike "." and insert ", AS ADOPTED BY THE CITY COUNCIL AND AMENDED FROM TIME TO TIME."

NOTE: Amendment # 16 restores restrictions on housebarges.

Amendment #16

On page 7, after line 34, insert "Q. 'HOUSEBARGE' MEANS ANY VESSEL, BOAT, CRAFT OR STRUCTURE ORIGINALLY DESIGNED TO FLOAT OR SUPPORTED BY MEANS OF FLOTATION WHICH IS USED OR DESIGNED TO BE USED PRIMARILY FOR OCCUPANCY AS A RESIDENTIAL, BUSINESS OR SOCIAL CLUB STRUCTURE AND WHICH IS NOT DESIGNED OR INTENDED PRIMARILY FOR SELF-PROPELLED NAVIGATION." and change the lettering of subsequent subsections accordingly.

And on page 4, after line 17, insert "15.14 HOUSEBARGES"

And on page 24, after line 17, insert the following:

"CHAPTER 15.14
HOUSEBARGES

SECTIONS:

15.14.010 MOORING TIME LIMIT
15.14.020 CONCENTRATION LIMIT
15.14.030 EXCEPTIONS
15.14.040 VIOLATION – PENALTY

SEC. 15.14.010 MOORING TIME LIMIT

NO HOUSEBARGE EXCEEDING THE DIMENSIONS OF TWENTY FEET IN WIDTH, FORTY-SIX FEET IN LENGTH OR FOURTEEN FEET IN HEIGHT AS MEASURED FROM THE WATER LINE (EXCLUDING RAILINGS, AWNINGS, ANTENNAS OR ANY SIMILAR APPURTENANCES) SHALL BE DOCKED OR MOORED IN EXCESS OF FORTY-EIGHT HOURS.

SEC. 15.14.020 CONCENTRATION LIMIT

A HOUSEBARGE CONFORMING TO THE DIMENSIONS SET FORTH IN

SECTION 15.14.010 MAY BE SECURED TO WATERFRONT FACILITIES ONLY IF THE HOUSEBARGE IS DOCKED WITHIN A COMMERCIAL, COMMUNITY OR PUBLIC MARINA IN WHICH TWENTY OR MORE SLIPS EXIST FOR THE DOCKAGE OF VESSELS AND THE DOCKAGE OF THE HOUSEBARGE WOULD NOT RESULT IN MORE THAN FIVE PERCENT OF THE FACILITY'S SLIPS BEING OCCUPIED BY HOUSEBARGES.

SEC. 15.14.030 EXCEPTIONS

THIS CHAPTER DOES NOT APPLY TO

A. HOUSEBARGES DOCKED WITHIN THE CITY ON FEBRUARY 13, 1984. THESE HOUSEBARGES SHALL BE PLACARDED TO REFLECT THEIR EXEMPTION FROM THIS CHAPTER;

B. HOUSEBARGES WHICH ARE REQUIRED FOR WATERFRONT CONSTRUCTION AND TEMPORARILY AND PERIODICALLY ARE SECURED TO OR MOORED ADJACENT TO CONSTRUCTION SITES;

C. HOUSEBARGES WHICH ARE UNDERGOING BONA FIDE MANUFACTURE, REPAIR, RESTORATION, OR REFITTING PROVIDED THE PERIOD OF THE PROCESS DOES NOT EXCEED ONE HUNDRED-TWENTY DAYS; AND

D. HOUSEBARGES WHICH ARE UNOCCUPIED AND DOCKED FOR PURPOSES OF SALES DISPLAY OF THE VESSELS, NOT TO EXCEED ONE MONTH.

SEC. 15.14.040 VIOLATION – PENALTY

VIOLATION OF THIS CHAPTER IS A MUNICIPAL INFRACTION AND SUBJECT TO A FINE OF \$100. EACH AND EVERY DAY THAT A VIOLATION CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE.”

Seconded. CARRIED on voice vote.

C Alderman Tolliver moved to amend O-31-02 as follows:

Amend. #11

after “On page 23, after line 26, insert “C. THE NUMBER OF BOATS WHICH MAY BE STORED AT ANY PUBLIC STREET ENDING”; add, “having a boat launch SHALL...”
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-31-02 amended on third reading. Seconded. CARRIED on voice vote.

O-1-03 For the purpose of applying the Residential Revitalization Overlay District to the R3 and R4 districts in the Spa Road area; and matters generally relating to said district.

Alderman Hammond moved to adopt O-1-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

O-2-03 For the purpose of increasing the fine for unlawfully parking in a

parking space designated for physically handicapped or disabled persons; and matters generally relating to said fine.

Alderman Hammond moved to adopt O-2-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Public Safety Committee

O-3-03 For the purpose of establishing City policy in regard to discrimination; defining “discrimination”; expanding the authority of the commission; establishing procedures for discrimination complaints; and matters generally relating to said discrimination.

Alderman Hammond moved to adopt O-3 -03 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

RESOLUTIONS

R-34-02 For the purpose of designating Kronstadt, St. Petersburg as a sister city for the City of Annapolis; and all matters relating to said sister city designation.

Alderman Hammond moved to adopt R-34-02 on second reading. Seconded. CARRIED on voice vote.

R-36-02 For the purpose of requesting that the Maryland General Assembly restore the full amount of the State Transfer Tax to its originally intended purposes; and all matters relating to said program.

Alderman Cohen moved to adopt R-36-02 on second reading. Seconded. CARRIED on voice vote.

R-37-02 For the purpose of requesting the State of Maryland to expand the Homestead Property Tax Credit Program to enable local jurisdictions to limit taxable assessments for all properties, not just homeowner-occupied properties; and all matters relating to said Program.

Alderman Cohen moved to adopt R-37-02 on second reading. Seconded.

Alderman Tolliver moved to table R-37-02. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Cordle

NAYS: Mayor Moyer, Aldermen Kelley, Fox, Cohen, Alderwomen Hoyle, Carter

DEFEATED: 6-3

A ROLL CALL vote was taken on the main motion:

YEAS: Mayor Moyer, Aldermen Kelley, Fox, Cohen, Alderwomen Hoyle, Carter

NAYS: Aldermen Hammond, Tolliver, Cordle

CARRIED: 6-3

R-1-03 For the purpose of expressing the Annapolis City Council's endorsement of the Maryland General Assembly amending the Annotated Code of Maryland, Article 2B, Sections 12-108(e) and 16-507(c)(2) so as to revise the City of Annapolis' alcoholic beverage

license enforcement powers and Section 16-410(b)(2) to allow summonses to be served by the City's Police Department; and all matters relating to said amendments.

Alderman Fox moved to adopt R-1-03 on first reading. Seconded. CARRIED on voice vote.

R-2-03 For the purpose of establishing fees to be paid upon the submission of revised construction drawings and submittals requiring review, pursuant to the issuance of a building permit; and all matters relating to said fees.

Alderman Hammond moved to adopt R-2-03 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Alderman Kelley presented a Performance Review of the Minority Business Enterprise Program Coordinator.

2. Finance Committee Meeting Recommendations dated January 13, 2003

Alderman Fox moved to accept the Finance Committee Meeting Recommendations dated January 13, 2003. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Carter moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Fox moved to approve the Mayor's (re)appointment of the following individuals:

1/10/03 Board of Appeals	David Stahl
1/10/03 Recreation Advisory Board	Duane Pergerson
Sidewalk Advisory Committee	Donnell L. Harris

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:05 p.m.

Deborah Heinbuch, CMC/AAE
City Clerk